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HOUSE BILL NO. 1239

Offered January 10, 2018

Prefiled January 10, 2018

A *BILL to amend the Code of Virginia by adding in Article 4.1 of Chapter 18 of Title 38.2 a section numbered 38.2-1845.24, relating to insurers; immunity for reporting acts of public adjusters.*

Patron—Hugo

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4.1 of Chapter 18 of Title 38.2 a section numbered 38.2-1845.24 as follows:

§ 38.2-1845.24. Duty of insurer to report violations; immunity of insurer from liability.

A. Whenever any insurer licensed to transact the business of insurance in the Commonwealth knows or has reasonable cause to believe that any public adjuster licensed under this article has violated any provision of this article or committed any act deemed larceny under § 18.2-111 with respect to any money, bill, note, check, order, draft, or other property either belonging to a policyholder or received by the public adjuster on behalf of a policyholder, the insurer shall within 60 calendar days after acquiring the knowledge file with the Commission a complete statement of the relevant facts and circumstances. Each statement shall be a privileged communication and when made and filed with the Commission shall not subject the insurer, or any individual representative of the insurer, making or filing the statement to any liability whatsoever.

B. No civil liability shall be imposed on, and no cause of action shall arise from, a person furnishing information concerning suspected, anticipated, or completed fraudulent public adjusting acts or suspected or completed fraudulent insurance acts, if the information is provided to or received from:

1. An authorized representative or employee of an insurer or designated persons involved in the prevention, detection, investigation, and disposition of claims involving fraudulent public adjusting acts;

2. The Commission, the Commissioner of Insurance, or any of the Commission's employees or agents; or

3. Federal, state, or local law-enforcement or regulatory officials or their employees, agents, or representatives.

INTRODUCED

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